

SN. 10/090,303

ATTORNEY DOCKET NO. YAMA:039

REMARKS

Claims 1-5 remain pending in this application for which applicant seeks reconsideration.

Amendment

Claims 1-5 have been amended to improve their form and to further define the invention. Specifically, for clarity, the language "data set" has been replaced with --record-- as set forth in the specification, and the preamble now refers to an automatic musical accompaniment apparatus. Moreover, independent claims 1 and 5 now call for editing/updating the second record and displaying the same. Support for the amendment is found at least in Figs. 4, 5, 6, and 8, and the disclosure relating thereto. The preamble of independent claim 5 has been corrected to a --storage medium storing a program for ...--, which is the accepted format for claiming a computer program. No new matter has been introduced.

Art Rejection

Claims 1-5 were rejected under 35 U.S.C. § 102(b)/(e) as anticipated by any one of Flannery (USP 6,545,209), Yamaura (USP 5,918,303), and Looney (USP 6,232,539). Applicant traverses this rejection because none of the applied references disclose at least the claimed editing unit/instructions for editing the second record and a display/instructions for displaying the edited second record for an automatic musical accompaniment apparatus.

The present invention relates to a musical performance data search system that can edit and display stored performance data records for an automatic musical accompaniment apparatus. According to the present invention, the performance data (second) records, which include information for searching the relating (first) data records, are editable. That is, the present invention allows any of a plurality of accompaniment data records to be displayed, selected, edited, and redisplayed after it has been edited. None of the applied references disclose at least the editing/displaying feature of claims 1 and 5.

First, Flannery and Looney are not relevant art as they do not disclose editing performance data for automatic musical accompaniment apparatus. Indeed, these references are

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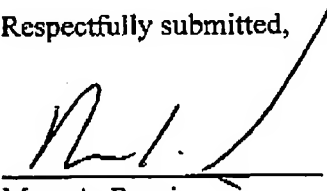
associated with an audio player type, such as a juke box, rather than an automatic musical accompaniment apparatus. These references do not in any way disclose providing performance data for playing an automatic musical accompaniment apparatus. Claims 1 and 5 now explicitly recite a musical performance search system or a program for executing a musical performance data search for an **automatic musical accompaniment apparatus** for clarity. At least to the extent that the claims call for a device/program for manipulating performance data for playing an automatic musical accompaniment apparatus, Flannery and Looney clearly would not have anticipated the present invention.

Yamaura is the only applied reference that relates to manipulating performance data for an automatic accompaniment apparatus. Yamaura indeed teaches "correcting" performance setting data (see column 5, lines 20-30, and Figs. 13 and 16). But even if Yamaura's data correction were to correspond to the editing aspect of the claimed invention, Yamaura would not have disclosed displaying the edited performance data, as called for in claims 1 and 5.

Conclusion

Applicant submits that claims 1-5 are in condition for allowance. Should the examiner have any issues concerning this reply or any other outstanding issues remaining in this application, applicant urges the examiner to contact the undersigned to expedite prosecution.

Respectfully submitted,

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